

EXHIBIT S: TENANT SERVICE PLAN

A draft of the plan for providing services for the tenants should be developed if the applicant will provide services under an elderly or special needs housing proposal. The plan should outline the strategy for creatively linking existing service programs into the design of the project. The plan should clearly identify the types of services to be offered, the method for financing the services, a budget with clearly identified funding sources for the services and the organizations that are anticipated to provide services or products. The plan should be specific to the project and include letters of interest from anticipated service providers.

ATTACHMENTS

- ☐ Draft Tenant Service Plan (see attached guidelines)
- ☐ Letters of Intent from Service Providers

- ☐ **Not Applicable.** For projects that will not provide tenant services, no information is required.

GUIDELINES FOR DEVELOPING A TENANT SERVICE PLAN

Describe the processes and procedures for carrying out the tenant services. The plan will be evaluated based on the extent to which it is comprehensive, well defined, feasible, appropriate for the proposed tenant population, innovative and involves a unique collaboration, partnership, ownership or management structure. Projects that include on-site services must be designed to include the necessary physical space for the services. More consideration will be given for services that are actively linked to the residents and not simply provided to the community at large. Tenant Service Plans, at a minimum, should address the following questions.

1. What are the tenant services that will be provided at the project?

2. How will the tenant services be financed?

3. What organizations will provide services or products and how will the services from other organizations be coordinated or delivered to the tenants?

4. Which tenant services will be provided on-site? (Indicate what facilities are available at the project site for providing these tenant services.)

5. What are the projected costs of the planned services and how will these services be funded? (Project sources also should be identified in the operating proforma in the CDA Application Form.)

6. Which tenant services will be provided off-site? (Indicate what facilities are available within the community for these tenant services and what access the tenants will have to these facilities.)

EXHIBIT T: COST ESTIMATES

A breakdown of the construction or rehabilitation costs shown in the application's development budget must be provided on the Department's Form 212—Summary Cost Estimate. Form 215 is not required at this stage. The cost estimates must be prepared and signed by the architect or general contractor for the project.

The construction or rehabilitation costs must be within a reasonable range for the scope of work proposed. If the proposed costs exceed the Department's standards, applicants must submit a waiver request (include under Exhibit Y, *Waiver Requests*) that includes a detailed explanation of the reasons the costs are outside of this range. The standards are set forth in the Department's Multifamily Rental Financing Program Guide.

ATTACHMENTS

- ☐ Form 212—Summary Cost Estimate (form attached)
- ☐ Request For Costs That Exceed The Department's Standard (under Exhibit Y)

EXHIBIT U: SCHEMATIC DOCUMENTS

The attached guidelines outline the preliminary development documents that should be submitted with the application. The documents indicated in this section are considered minimum requirements and should be amended to meet the specific project requirements. Items that generally apply only to renovation projects are indicated

ATTACHMENTS

- ☐ Schematic Documents (guidelines attached)

SCHEMATIC DOCUMENTS

DRAWING REQUIREMENTS

All of the following documents must reflect the general intent of the project and generally delineate the proposed project scope.

1. Civil Engineering Documents

- a) Proposed Site Plan including the following:
 - All existing structures and location of all proposed structures
 - Basic storm water considerations
 - Existing and proposed roads and parking elements
 - Approximate location of all existing utilities
- b) Information Concerning the Proposed Site Specific to the project, disabled accessibility features, retaining walls, etc.

2. Architectural Documents

- a) Title Sheet
 - Project Information including Project name and address
 - The names, addresses and telephone numbers of the Owner and all Consultants
 - The date
 - The submissions level
 - List of Drawings
 - Project Area Breakdown
 - Unit Mix and Square Footages
 - Vicinity Map
- b) Schematic Demolition Floor Plans for Each Building Level (1/8" scale min)*
- c) Schematic Preliminary Floor Plans for Each Building Level (1/8" scale min)
- d) Schematic Demolition Plans of Individual Units (1/4" scale min)*
- e) Schematic Individual Unit Plans (1/4" scale min)
- f) Schematic Exterior Building Elevations (1/8" scale min)
 - Provide elevations of all major exterior wall areas
 - Provide schematic key plan indicating elevation locations
 - Include Demolition information as required.*

3. Structural Documents

- a) Information concerning the proposed Structural Systems and Information on Unusual Conditions, as required
- b) Information on the existing structural systems and the effect that the project will have on these*

* Generally applies only to renovation projects.

4. Plumbing Documents

- a) Information concerning the proposed Plumbing Systems and Information on Unusual Conditions, as required
- b) Information on the existing plumbing systems and the effect that the project will have on these*

5. HVAC

- a) Information concerning the proposed HVAC Systems and Information on Unusual Conditions, as required
- b) Information on the existing HVAC systems and the effect that the project will have on these*

6. Electrical

- a) Information concerning the proposed Electrical Systems and Information on Unusual Conditions, as required
- b) Information on the existing electrical systems and the effect that the project will have on these*

SPECIFICATION REQUIREMENTS

7. Outline Specifications

- a) The Application Outline Specification shall include all sections of the 16 Division CSI format applicable to project
- b) The specification need not be in a complete CSI/MasterSpec format
 - The section numbering and naming shall comply with the CSI 16 Division format
 - Parts I- “General” may be omitted
 - Part II- “Products” shall list all products anticipated for use in that section
 - Part III- “Execution” may be omitted
- c) The Specification cover shall include the following:
 - The names, addresses and telephone numbers of the Owner and all Consultants
 - The project name and address
 - The date
 - The submissions level
- d) A complete table of contents shall be included at the front of the Specification
- e) Division I
 - Include General Conditions and other project requirements, including those of the lender
 - Include Specific Renovation/Demolition related sections as required*
- f) Division II—where Division II is prepared by an separate Owner-retained Consultant, bind these Sections into the single Project Specification
- g) Divisions II through XVI
 - Include sections for all proposed elements
 - Include Specific Renovation/Demolition related sections as required*

* Generally applies only to renovation projects.

EXHIBIT V: BUILDING EVALUATION REPORT

For projects that involve the rehabilitation of existing buildings, applicants must provide a preliminary engineering assessment of the buildings. In rehabilitating properties, developers may encounter unforeseen issues that can delay, increase the cost of, or even halt rehabilitation. To avoid this, the Department requires that an engineer or other qualified professional complete an assessment of the property.

The following report is required for all renovation projects. The document indicated below shall be considered a minimum requirement. Amend as required for specific project conditions and requirements.

ATTACHMENTS

- ☐ Building Evaluation Report (guidelines provided)
- ☐ **Not Applicable.** If the project does not include the rehabilitation of existing buildings, a building evaluation report is not applicable.

BUILDING EVALUATION REPORT GUIDELINES

PRELIMINARY SCOPE OF WORK

Include a written scope of work delineating, in narrative form:

- The existing conditions and systems
- Proposed work to the above elements
- New systems and structures and how they will be integrated into the existing work.
- Other information as may be required to describe adequately the project.
- The narrative shall be broken down in the 16 CSI construction divisions.

PROJECT WALK THROUGH

Include the results of a survey of a minimum of 15% of the units including:

- Photographs of the building exterior and interior in sufficient detail and quantity to fully describe the existing conditions.
- Label all photographs with description of existing conditions and how these are anticipated to be modified by the work.
- Include a key plan indicating location of each photograph.
- A listing of the units reviewed and significant findings. Coordinate with the written scope of work above.

EXHIBIT W: EVIDENCE OF OTHER FUNDING

OTHER LOANS AND GRANTS

Letters of intent to provide financing must be furnished for all construction and permanent funding sources (loans and grants) identified in the application. At a minimum, letters of intent must be specific to the project and detailed concerning terms and conditions and must include the following:

- Intention to finance the project
- Amount of financing
- Specific repayment terms and conditions (for example, interest rate, term of loan, use restrictions, repayment terms)
- Any special conditions for receiving a commitment

CREDIT ENHANCEMENT

If financing will be subsidized or insured by another institution (such as under the Federal Home Loan Bank Board's Affordable Housing Program) provide a description of the source of enhancement, how premiums and/or costs are calculated, and the general terms of the enhancement (that is, provided during construction and/or permanent periods). Evidence that the appropriate applications have been prepared and have been or are ready to be filed must also be provided.

EQUITY SYNDICATION

For projects that will be syndicated, sponsors must provide a proposal from at least one syndication firm. The proposal must clearly show the following terms:

- Amount of tax credits expected, if applicable
- Type of investor
- Gross equity generated from the syndication
- Net proceeds to the project
- Syndication related costs and charges
- Schedule for the payment of equity
- Interest and charges associated with any bridge loan
- Any other special terms and conditions

ATTACHMENTS

- ☐ Letters of Intent or Commitment Letters for Other Loans and Grants
- ☐ Evidence of Credit Enhancement (if applicable)
- ☐ Syndication Proposal

EXHIBIT X: LONG-TERM SUBSIDIES

Points are awarded to projects that use long-term operating or rent subsidies. The subsidies must reduce the rent burden for low-income tenants. Project-based rent subsidies, payment in lieu of taxes or other operating or social service subsidies are encouraged. Documentation should indicate the source of the subsidy, the number of units affected, the total amount of subsidy and the terms of the subsidy.

ATTACHMENTS

- ☐ Documentation of Long-term Operating or Rent Subsidies

EXHIBIT Y: WAIVER REQUESTS

MAXIMUM LOAN LIMITS

Funding requests should not exceed \$2.0 million. Applicants requesting a waiver of the maximum loan amount should submit a waiver request that includes a description of other funding sources sought, the reason other funding sources are not available, the reason it is not feasible to reduce the project size or scope and the particularly high public purpose that the project serves.

MINIMUM REHABILITATION AND CONSTRUCTION COST LIMITS

For projects that involve the rehabilitation of existing buildings, the total hard costs of rehabilitation must be at least \$15,000 per unit. Applicants may request a waiver for projects that demonstrate both a strong need for preservation of affordable housing in the market area and that the affordable housing units will be lost if the project is not financed by the Department. Similarly, new construction projects that exceed the square foot maximum costs set forth in the Guide must also request a waiver justifying the estimated costs in terms of public purpose.

OPERATING RESERVES

Operating reserves should range from three to six months of projected operating expenses plus all required debt service payments and monthly replacement reserve payments. For projects with proposed operating reserves that are outside of this range, sponsors must submit a request for a waiver that includes a detailed explanation of the reasons operating reserves for the project should be set at a different level.

DEVELOPER'S FEE

The maximum developer's fee is 10% of acquisition costs and 15% of other total development costs. The developer's fee may not exceed \$2.5 million. For projects with a proposed developer's fees in excess of \$2.5 million, the applicant must submit a waiver request that includes a detailed explanation of the reasons an increased developer's fee is warranted.

OPERATING EXPENSES

Estimated annual operating expenses, including real estate taxes and excluding reserve for replacement deposits, should range from \$2,500 to \$4,500 per unit. For projects with proposed operating expenses that are outside of this range, applicants must submit a request for waiver that includes a detailed explanation of the reasons operating expenses for the project are expected to be outside this range.

ATTACHMENTS

- ☐ Request for DHCD Loan Above Maximum
- ☐ Request for Rehabilitation Costs Below Maximum or Construction Costs Exceeding Maximums
- ☐ Request for Operating Reserves Outside Acceptable Range
- ☐ Request for Developer's Fee Above Maximum
- ☐ Request for Operating Expenses Outside Acceptable Range
- ☐ Other Requests

Not Applicable. For projects that meet all of the criteria threshold hereto described above, no documentation is required.

EXHIBIT Z: PROJECT MONITORING

Monitoring is the way that the District of Columbia's Department of Housing and Community Development (DHCD) ensures that its funded projects are carried out in accordance with local and Federal funding source program requirements. The program funds that will be available in this NOFA offering are the Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program funds, HUD's HOME program funds and the District of Columbia's Housing Production Trust Funds (HPTF) and the Low Income Housing Tax Credit (LIHTC) program funds. (LIHTC rules and requirement are provided in a separate document. DHCD must ensure that property owners and managers develop their projects in compliance with HOME and other Federal standards. The monitoring requirements outlined below ensures that all residential projects are constructed in compliance with the appropriate new construction and rehabilitation standards as well as the approved project plans, built in compliance with Federal regulations such as Davis Bacon labor standards, the Uniform Relocation Act, and environmental protection statutes, and marketed in compliance with fair housing laws including Section 504 of the rehabilitation.

Residential Projects

DHCD has determined that it will apply the federal laws and regulations to all projects and the more restrictive HOME monitoring requirements, where appropriate, because the application of the HOME requirements will allow for the maximum yield of low-moderate homeowners and renters and a longer affordability period for all units.

Initial Monitoring

Effective monitoring begins in the planning stages of the project and continues after the project funds have been expended and the project is completed. Successful property owners and managers will have to take into consideration the following items in the planning stages of the project as these requirements impact on the construction/rehabilitation cost and the income flow of the project:

Income Requirement – Twenty percent (20%) or more of the units in the development may be subject to income restrictions which will require the units to be marketed to persons or households earning between 0% - 80% of the Area Median Income (AMI).

Rental and Occupancy Requirements - Will dictate the rent structure for targeted units and the occupancy requirements for each type of unit, i.e., efficiency, 1-bedroom, etc.

Unit Reservation or Set-Aside Requirement – DHCD policy will require that a minimum of 20% of all available units or the number of units equal to the percentage of DHCD funding to the overall development costs of the project (whichever is greater) be set aside for low to moderate income persons and families as follows:

- For developments of 5 or less units – no reservation required
- For developments of 5 or more units – 20% of the units shall be reserved to persons or families in the 50% or less AMI. The remaining units shall be reserved for persons or families earning from 51% to 80% of AMI.

Affordability and Retention Requirements – The type of funding received by the project will determine the period of time the program-designated units will be subject to the income, rental/occupancy and unit reservation requirements.

The property owner, manager or developer must commit to ensuring that the income and rental requirements for each program-designated unit is maintained throughout a minimum 20-year retention period or the length of the loan, whichever is greater. Where there are specific program requirements (HOME/HPTF) for affordability and retention, DHCD will use whichever regulation provides for the maximum affordability period.

Section 504 Requirement – that 5% of the newly constructed or “substantially” rehabilitated units accommodate persons with mobility impairment and that an additional 2% of said units accommodate persons with vision and hearing impairments.

Lead-Based Paint Requirements – Are applicable to all rehabilitation and renovation projects. Property owners and managers must ensure that there are no existing lead hazards prior to construction. If there are existing lead hazards, then property owners and managers must take the appropriate methods and measures to ensure containment or removal of the hazard prior to completion of construction.

The Lead-Based paint information is contained in a separate document.

Long-Term Monitoring

The long-term review and monitoring of projects will occur annually for the duration of the affordability period in the following areas:

- **Income targeting/occupancy and rent controls.** Long-term monitoring is an important way to ensure that rental units assisted with its funds remain occupied by low-income households and that the rents charged to these tenants are affordable. Sustaining long-term affordability of units is particularly important in tight housing markets, with high housing costs.
- **Unit condition.** DHCD expects that when it invests its funds in a property, the property will remain in decent, standard condition for a period of time. This is important to ensure health and safety of the tenants, important for promoting neighborhood revitalization efforts, and important for protecting the city’s financial investment. Inspections are one way to ensure that owners and managers are adequately maintaining their properties.
- **Equal treatment of all applicants.** DHCD expects that all applicants will be treated fairly and without discrimination. Monitoring helps ensure that the city’s investment in affordable housing is available to all applicants irrespective of race, color, sex, age, religion, ethnic background, disability, or familial status.

Monitoring Rental and Homeownership Projects

Homeownership Projects

Property owners or developers who receive loans or grants under the above-mentioned funding programs, to construct or renovate a residential unit(s), must commit to ensuring that the property is acquired by a low-moderate income household with an AMI of <80% and that the property is retained for low-moderate income owners throughout the affordability period.

The length of time of the affordability period is determined by the regulations of the funding source or by the length of the loan, whichever is greater. Failure to ensure the continuity of the income requirements for the ownership of the program-funded unit(s) will result in a default of the loan or grant agreement and the immediate repayment of the loan or grant.

Attached as **Exhibit Z-1 to Z-3** are the reporting and certification forms which will be used to initiate and continue the annual monitoring review of homeownership projects.

Rental Projects

Property owners and managers will implement the day-to-day operations of the rental property and make daily decisions that affect compliance of the project with the requisite program funding rules. Some property owners and managers will carry out these functions themselves; others will utilize property managers and property management firms.

Property owners and managers' monitoring responsibilities include, but are not necessarily limited to:

- Making sure the property meets and is continually maintained according to required building code standards, performs financially and;
- Ensuring that project personnel understand and implement program rules related to income, occupancy, affirmative marketing, and fair housing;
- Submitting annual reports and other documentation that may be requested by DHCD that document compliance with the program rules;
- Identifying and making available files requested by the OPM Monitor;
- Providing notice to, and making arrangements with, tenants whose units will be inspected; and
- Following up on any corrective actions that may be identified by the OPM Monitor.

Attached as **Exhibit Z-4 to Z-6** are the reporting and certification forms which will be used to initiate and continue the annual monitoring review of rental projects.

Monitoring CDBG Service Projects

CDBG funds are provided for service and community development projects as well as for residential projects. The underlying purpose for the application of CDBG funds is to ensure the projects funded thereby continually inure to the benefit of low to moderate persons and families.

DHCD has developed a reporting form to be completed by CDBG property owners and managers annually and submitted to DHCD staff. See **Exhibit Z-7** attached. Accompanying the reporting form is a suggested survey form that property owners and managers may use to collect from their individual program users the requisite information required by the report. See **Exhibit Z-8** attached.

Compliance with Federal Laws, Rules and Regulations

DHCD requires property owners and managers to certify that they will comply with the applicable federal standards that accompany DHCD's local and federal funding. Attached as

Exhibit Z-9 is the certification of compliance for all the applicable federal standards, which includes citations thereto. These certifications must be appropriately executed and submitted with the application. DHCD will regularly review and monitor compliance with these federal standards.

Also Attached as **Exhibit Z-10** is the Fair Housing and Equal Employment Certification Form for compliance with the Fair Housing Act of 1968.

Also attached as **Exhibit Z-11** is the certification form for compliance with Section 504 of the Rehabilitation Act of 1973. All new construction and substantial rehabilitation projects must conform to the requirements of Section 504.

Also attached as **Exhibit Z-12** is the Lead-Safe Housing Addendum.

The **Exhibits** referred to above are the reporting and certification forms, which must accompany your submission package. Choose the appropriate form based upon the program funds you are requesting, [CDBG, HOME, HPTF] and the type of project contemplated, [ownership interests (fee simple, condominium, cooperative, etc.), rental, a public or community service project.] Upon receipt, these forms and certification documents will be the basis upon which monitoring activities will be implemented and reviewed annually.

The Project Manager assigned to each project will inform the property owners and managers of their responsibilities prior to loan closing, and then again at the time of the Final Draw.

Please refer to the Request For Proposal Reference Guidebook for further information.

Exhibit Z-1

HOME Occupancy/Ownership Reporting Form and Certification

HOME Ownership Project Compliance Report - Period From: _____ To: _____ (To be submitted by property manager)

Project: _____

Address: _____

Date Submitted: _____

Affordability Period (year) # _____ of a _____ Affordability Period

Total number of units in project: _____

Total number of HOME units: _____

Number and Percentage of Set-aside units # _____ % _____

Number of Fixed Units: _____ Number of Floating Units: _____

Number of Section 504 units: _____

Unit #	# bed-rooms	Fixed or Floating	Owner name	# in Hshld	Annual Income	Date of Purchase	Area median Income %	Sale date	Sale Price	Section 504 Designation ("Yes" or "No")			Comments

Attach additional sheets as needed.

I certify the above information is true and correct.

Owner or property manager signature: _____ Date: _____

PJ reviewer: _____ Date reviewed: _____

HPTF Occupancy/Ownership Reporting Form and Certification

(To be submitted by

Number of Section 504 units: _____

[illegible]

PJ reviewer: _____ Date reviewed: _____

Exhibit Z-3

CDBG Occupancy/Ownership Reporting Form and Certification

CDBG Ownership Project Compliance Report - Period From: _____ To: _____ (To be submitted by property manager)

Project: _____

Address: _____

Date Submitted: _____

Total Percentage of units in project: _____

Total Number of CDBG units: _____

Number of Section 504 units: _____

Affordability Period (year) # ____ of a ____ Affordability Period

Unit #	# bed-rooms	Section 504 Designation ("Yes" or "No")	Owner name	Number in Household	Annual Income	Area Median Income %	Date of Purchase	Purchase Price	Date of Sale	Sales Price	Comments		

Attach additional sheets as needed.

I certify the above information is true and correct. Owner or property manager signature: _____ Date: _____

PJ reviewer: _____ Date reviewed: _____

Exhibit Z-4
HOME Occupancy and Rent Reporting Form and Certification

Home Rental Project Compliance Report
 property manager)

(To be submitted by

Project: _____

Address: _____

Date Submitted: _____

Affordability Period (year) # _____ of a _____ (year)

Affordability Period

Total number of units in project: _____

Total number HOME units: _____

Number and percentage of Set-aside Units # _____ % _____

Number of Low HOME Rent units: _____

Number of High HOME Rent units: _____

Number of Fixed Units: _____ Number of Floating
 Units: _____

Number of Section 504 designated units: _____

Unit #	bed- rooms	Low or High HOME Rent unit	Sec. 504 Units	Tenant name	# in Hshld	Annual Income	Date deter- mined	AMI	Lease Sale date	Lease rent ¹	Tenant- Paid Utilities ²	Total Rent plus utilities	Allowable rent & utilities ³	Comments

Attach additional sheets as needed. I certify the above information is true and correct.

Owner or property manager signature: _____ Date: _____ PJ reviewer: _____ Date
 reviewed: _____

¹ Including any owner-paid utilities.

² If tenant pays utilities, enter from PHA utility allowance worksheet. If utilities are included in rent, enter "Incl."

³ Enter from HUD published limits for High or Low HOME Rent as applicable.

Exhibit Z-5

HPTF Occupancy and Rent Reporting Form and Certification

HPTF Rental Project Compliance Report - Period From: _____ To: _____
by property manager)

(To be submitted

Project: _____

Total Percentage of units in project: _____

Address: _____

Total Number of HPTF units: _____

Date Submitted: _____

Number of Low HPTF Rent units: _____

Number of High HPTF Rent units: _____

Affordability Period (year) # ____ of a ____ Affordability
Period

Number of Fixed Units: _____ Number of Floating Units: _____

Number of Section 504 units: _____

Unit #	# bed-rooms	Low or High HPTF Rent unit	Sec. 504 Unit	Fixed or Floating	Tenant	# in Hshld	Annual Income	Date determined	% AMI	Lease date	Lease rent ¹	Tenant-Paid utilities ²	Total rent plus utilities	Allowable rent & utilities ³	Comments

Attach additional sheets as needed.

I certify the above information is true and correct. Owner or property manager signature: _____ Date: _____

PJ reviewer: _____ Date reviewed: _____

¹ Including any owner-paid utilities.

² If tenant pays utilities, enter from PHA utility allowance worksheet. If utilities are included in rent, enter "Incl."

³ Enter from HUD published limits for High or Low HOME Rent as applicable.

Exhibit Z-6

CDBG Occupancy and Rent Reporting Form and Certification

CDBG Rental Project Compliance Report _____

(To be submitted by property manager)

Project: _____ Total number of units in project: _____
 Address: _____ Total number CDBG units: _____
 Date Submitted: _____ Number and percentage of Set-aside Units # _____ % _____
 Affordability Period (year) # _____ of a _____ (year) Number of Low CDBG Rent units: _____
 Affordability Period Number of Fixed Units: _____ Number of Floating Units: _____
 Number of Section 504 designated units: _____

Unit #	# bed-rooms	Low or High HOME Rent unit	Sec. 504 Units	Tenant Name	# in Hshld	Annual Income	Date determined	% AMI	Lease date	Lease rent ¹	Tenant-paid utilities ²	Total rent plus utilities	Allowable rent & utilities ³	Comments

Attach additional sheets as needed. I certify the above information is true and correct.

Owner or property manager signature: _____ Date: _____ PJ reviewer: _____ Date reviewed: _____

¹ Including any owner-paid utilities.

² If tenant pays utilities, enter from PHA utility allowance worksheet. If utilities are included in rent, enter "Incl."

³ Enter from HUD published limits for High or Low HOME Rent as applicable.

Exhibit Z-7

COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL BENEFICIARY REPORTING FORM AND CLIENT/BENEFICIARY SURVEY

Name of Developer: _____ Date: _____

Address of Developer: _____

Phone Number: _____

Name of Project: _____ Amount of Funding: _____

Address of Project: _____ LMA:* _____

Phone Number: _____

Contact Person: _____

QUESTIONS

JOB CREATION – ECONOMIC DEVELOPMENT

Low to Moderate Income Area? ____ Yes ____ No

1. # of jobs currently utilized by the project:

Non-Construction

Full-time Employees (FTE)? _____ # of L/M FTE? _____

Part-time Employees (PTE)? _____ # of L/M PTE? _____

2. # of jobs to be created by the project:

Construction

Full-time Employees (FTE)? _____ # of L/M FTE? _____

Part-time Employees (PTE)? _____ # of L/M PTE? _____

Non-Construction

Full-time Employees (FTE)? _____ # of L/M FTE? _____

Part-time Employees (PTE)? _____ # of L/M PTE? _____

3. Total Percentage of Low/Moderate jobs created by the project. _____

- To be filled out by Department or Agency

Exhibit Z-7 cont'd

●
COMMUNITY DEVELOPMENT BLOCK GRANT
ANNUAL BENEFICIARY REPORTING FORM
AND CLIENT/BENEFICIARY SURVEY, contd.
HOUSING

1. Total # of Housing units:
 - a. To developed or renovated. _____.
 - b. Developed or renovated. _____.
2. Total # of units currently occupied. _____.
3. Total # of Low/Moderate Income housing units for this project? _____.

BENEFICIARIES

1. Number of Low/Moderate income persons served by the project?
 - a. Individual persons _____
 - b. Heads of Households _____
 - c. Female Heads of Households _____

2. Race/Ethnicity of persons served by this project?

WHT	_____	HI/PCF	_____
WHT/HSP	_____	HI/PCF/HSP	_____
BLK	_____	IN/WHT	_____
BLK/HSP	_____	IN/WHT/HSP	_____
ANS	_____	ASN/WHT	_____
ASN/HSP	_____	ASN/WHT/HSP	_____
HSP	_____	BLK/WHT	_____
HSP/ETHNC	_____	BLK/WHT/HSP	_____
ANS/HSP	_____	IN/BLK	_____
AMR/AK	_____	O/MULT	_____
AMR/AK/HSP	_____	O/MUL/HSP	_____

3. Number of beneficiaries served in the income ranges below:
(Check more than one, if applicable)

\$0 - \$30,000	_____
\$31,000 - \$60,000	_____
\$61,000 - \$90,000	_____
\$91,000 - \$120,000	_____

Exhibit Z-8

DHCD/CDBG CLIENT/BENEFICIARY SERVICE SURVEY

FORM

Client Number _____

Male _____

Female _____

1. Check the quadrant of the city in which you currently live. 2. In which Ward do you live? Ward _____

_____ N.W.

_____ S.W.

_____ N.E.

_____ S.E.

3. How often do you use these services?

_____ Once only

_____ Periodically

_____ Often

4. Status

Single _____

Married _____

Number of members in household _____

Number of members in household _____

5. Race/Ethnicity

WHT _____

WHT/HSP _____

BLK _____

BLK/HSP _____

ANS _____

ASN/HSP _____

HSP _____

HSP/ETHNC _____

ANS/HSP _____

AMR/AK _____

AMR/AK/HSP _____

HI/PCF _____

HI/PCF/HSP _____

IN/WHT _____

IN/WHT/HSP _____

ASN/WHT _____

ASN/WHT/HSP _____

BLK/WHT _____

BLK/WHT/HSP _____

IN/BLK _____

O/MULT _____

O/MUL/HSP _____

6. Salary Range

\$0 - \$20,000 _____

\$51,000 - \$60,000 _____

\$21,000 - \$30,000 _____

\$61,000 - \$70,000 _____

\$31,000 - \$40,000 _____

\$71,000 - \$80,000 _____

\$41,000 - \$50,000 _____

\$81,000 - \$90,000 _____

DHCD- BENE. FORM
2003

Exhibit Z-9

DISTRICT OF COLUMBIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

DHCD requires each applicant to sign a “Monitoring Certification Form” indicating their agreement to comply with the regulations, to be subject to DHCD monitoring for compliance, and to accept any applicable penalties for noncompliance. The applicant is responsible for any and all costs associated with implementing and maintaining records to comply with and allow for DHCD monitoring. The “Monitoring Certification Form” is included here as an attachment.

Monitoring Certification Form

The U.S. Department of Housing and Urban Development (HUD) and the District of Columbia regulations require the Department of Housing and Community Development (DHCD) to monitor projects funded with federal and/or District of Columbia funds for compliance with various federal and District regulations. Applicants receiving financial assistance from DHCD could be subject to any and all of the following laws and regulations:

- Community Development Block Grant (CDBG), including all applicable Office of Management and Budget (OMB) Circulars, such as A-110 and A-122
- HOME Investment Partnerships Program, (including long-term affordability periods)
- Housing Production Trust Fund regulations, (including continuous affordability requirements)
- Environmental Reviews - 24 CFR Part 85
- Affirmative Action Program
- Section 3 - (24 CFR Part 135)
- First Source Agreements
- Davis Bacon and related Acts
- Conflict of Interest
- Fair Housing
- American with Disabilities Act of 1990
- Lead Safe Housing Rule (Lead Based Paint)
- Section 504 of the Rehabilitation Act of 1973
- Uniform Relocation Act or District of Columbia Relocation Assistance provisions (10 DCMR Chapter 22)
- OMB Circular A-133
- Freedom of Information Act

Project Name _____
Project Address _____

Developer Name _____
Developer Address _____

As an authorized official for the respective organization I certify to my organization's acceptance to:

- (1) Comply with all applicable regulations,
- (2) Incur all costs required for compliance with the applicable regulations,
- (3) Be subject to DHCD monitoring for compliance, and
- (4) Accept any applicable penalties for noncompliance.

(Print Full Name)

(Signature)

(Print Title)

(Date)

EXHIBIT Z-10

**Fair Housing and Equal Opportunity (FHEO)
Certification**

The Department of Housing and Community Development (DHCD), under regulations from The U.S. Department of Housing and Urban Development (HUD), requires that each applicant for federal and/or District of Columbia funds sign the “Fair Housing and Equal Opportunity Certification Form” which indicates that neither applicant nor its contractors have any pending fair housing or civil rights legal proceedings against them for fair housing or equal opportunity violations. The applicant further agrees to comply with the FHEO laws and regulations as described in the attached information and is responsible for any and all costs associated with implementing and maintaining records to comply with and allow for DHCD monitoring. Applicants receiving financial assistance from DHCD need to be knowledgeable of all FHEO laws and regulations which affect the execution of their activities.

Signature and Certification:

The undersigned certifies to the District of Columbia Department of Housing and Community Development that it has read and understands all of its obligations under the FHEO requirements. The undersigned acknowledges that this certification will be relied upon by DHCD in its review and approval of proposal for funding and any misrepresentation of information or failure to comply with any conditions proposed in this certification could result in penalties, including the disbarment of Applicant for a period of time from participation in DHCD administered programs.

Signed: _____
Applicant

Date _____

Signed _____
Architect/Engineer (registration number)

Date _____

Signed _____
Developer

Date _____

DEFINITION OF LAWS

THE FAIR HOUSING ACT

Title VIII of the Civil Rights Act of 1968 (**Fair Housing Act**) prohibits discrimination in the *sale, rental and financing of dwellings based on race, color, religion, sex or national origin*. Title VIII was amended in 1988 (effective March 12, 1989) by the Fair Housing Amendments Act to prohibit discrimination based on *disability or on familial status* (presence of child under age of 18, and pregnant women).

The 1988 Amendments also established new administrative enforcement mechanisms with HUD attorneys bringing actions before administrative law judges on behalf of victims of housing discrimination; and revised and expanded Justice Department jurisdiction to bring suit on behalf of victims in Federal district courts.

In connection with prohibitions on discrimination against individuals with disabilities, the *Act contains design and construction accessibility provisions for certain new multifamily dwellings developed for first occupancy on or after March 13, 1991*.

Complain Process:

Complaints filed with HUD are investigated by the Office of Fair Housing and Equal Opportunity (FHEO). If the complaint is not successfully conciliated then FHEO determines whether reasonable cause exists to believe that a discriminatory housing practice has occurred. Where reasonable cause is found, the parties to the complaint are notified by HUD's issuance of a Determination, as well as a Charge of Discrimination, and a hearing is scheduled before a HUD administrative law judge. Either party -- complainant or respondent -- may cause the HUD-scheduled administrative proceeding to be terminated by electing instead to have the matter litigated in Federal court. Whenever a party has so elected, the Department of Justice takes over HUD's role as counsel seeking resolution of the charge on behalf of aggrieved persons, and the matter proceeds as a civil action. Either form of action -- the ALJ proceeding or the civil action in Federal district court -- is subject to review in the U. S. Court of Appeals.

THE ARCHITECTURAL BARRIERS ACT OF 1968

The Architectural Barriers Act (ABA) requires buildings and facilities that are constructed by or on behalf of, or leased by the United States, *or buildings financed, in whole or in part, by a grant or loan made b federal funding to be accessible to persons with mobility impairments*. The Architectural and Transportation Barriers Board (ATBCB) has coordination authority for the ABA.

Legal Authority: The Architectural Barriers Act, 42 USC 4151, et seq; 24 CFR Parts 40 and 41.

Program Status: Active

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (TITLE VI)

Title VI prohibits discrimination on the basis of race, color or national origin in (1) programs and (2) activities receiving “Federal financial assistance”. Complaints must be filed within 180 days of the alleged act of discrimination. Complaints received from a program participant or service recipient will be forwarded to the Fair Housing Equal Opportunity division at the U.S. department of Housing and Urban Development.

Legal Authority: Title VI Civil Rights Act of 1964, 42 USC 2000d; 24 CFR Part 1.

Program Status: Active

EXECUTIVE ORDER 11063, NON-DISCRIMINATION

Executive Order 11063 (*Non-Discrimination and Equal Opportunity in Housing*) directs HUD and all other executive departments and agencies to take appropriate action to promote the abandonment of discriminatory practices with respect to property or facilities owned or operated by the Federal Government or provided with Federal financial assistance in the sale, leasing, rental, or other disposition of such property or facilities.

Legal Authority: E.O. 11063, Non-Discrimination, Issued Nov. 20, 1962, 27 FR 11527; 24 CFR Part 107.

Program Status: Active

AGE DISCRIMINATION ACT OF 1975

The Age of Discrimination Act of 1975 prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance directly or through contractual, licensing, or other arrangements use age distinctions or take any other actions which have the effect, on the basis of age of:

- excluding individuals from denying them the benefits subjecting them to discrimination under, a program or activity receiving Federal financial assistance; or
- denying or limiting individuals their opportunity to participate in any program or activity receiving Federal financial assistance.

Legal Authority: Age Discrimination Act of 1975, 42 USC 6101 et seq. and HUD Regulations at 24 CFR Part 146.

SECTION 109, HOUSING & COMMUNITY DEVELOPMENT ACT OF 1974

Section 109 of the Act requires that no person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance made available pursuant to the Act. Section 109 also directs that the prohibitions against discrimination on the basis of age under the Age Discrimination Act and the prohibitions on the basis of disability under Section 504 shall apply to programs or activities receiving Federal financial assistance under Title 1 programs.

Legal Authority: *Codified in 24 CFR Part 6.*

EXECUTIVE ORDER 11246

Executive Order 11246, as amended, bars discrimination in federal employment because of race, color, religion, sex, or national origin. This order was superseded by Executive Order 11478 (Sec 401: 1101), which called for affirmative-action programs for equal opportunity at the agency level under general supervision of the Civil Service Commission.

Legal Authority: 41 CFR Chapter 60 (DOL)

EXECUTIVE ORDER 12892

Executive Order 12892, as amended, requires federal agencies [and their subrecipients] to affirmatively further fair housing in their programs and activities.

EXECUTIVE ORDER 13166

Executive Order 13166 eliminates, to the extent possible, limited English proficiency as a barrier to full and meaningful participation by beneficiaries in all federally-assisted conducted programs and activities.

Variety of Covered Groups

Civil rights laws prohibit discrimination on several different grounds. These grounds are often the same among two or more of these laws. Thus, persons in a variety of "classes" or population groups are covered. These groups include: racial/ethnic groups e.g. Whites, Blacks, Hispanics, Asians/Pacific Islanders and American Natives; gender groups; groups distinguished by age or religion; and handicapped persons. The chart below indicates which of these classes or groups are covered by more than one civil rights law:

	RACE	COLOR	SEX	NATIONAL ORIGIN	RELIGION	AGE	HANDICAP
Title VI	X	X		X		X*	X*
Section 109	X	X	X	X			
Title VIII	X	X	X	X	X		X
E.O. 11063	X	X	X	X	X		
E.O. 11246	X	X	X	X	X		
Age Act 1975						X	
Section 504							X
Section 3	Coverage relates to lower income residents and certain businesses located in or owned by persons residing in the same metropolitan area (or non-metropolitan county) as the project.						

***NOTE:** Age and handicap are only covered to the extent provided under the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973.

Overlapping Coverage of Activities

More than one civil rights law may apply to a single type of activity. The following chart is a description of some of the major CDBG activities and the corresponding civil rights laws that affect them.

Constitutional Basis

The guarantee of civil rights has a constitutional as well as statutory base. Civil rights laws are an extension and interpretation of the equal protection and due process requirements of the United States Constitution.

CIVIL RIGHTS LAWS AND REGULATIONS

APPLICABLE CIVIL RIGHTS LAW	IMPLEMENTING REGULATIONS
Title VIII, Civil Rights Act of 1968, as amended	24 CFR parts 105,108, 109, 110, and 115; Part 200 Subpart M
Title VI, Civil Rights Act of 1964	24 CFR Part 1 (HUD)
Section 109, Housing & Community Development Act of 1974, As amended	24 CFR Part 570, Subpart I (HUD)
Executive Order 11063, as amended	24 CFR Parts 107 (HUD)
Section 104, Housing & Community Development Act of 1974, as amended	24 CFR Part 570, Subpart I
Executive Order 11246,as amended	41 CFR Chapter 60 (DOL)
Age Discrimination Act of 1975, as amended	45 CFR Part 91 (HHS)

EXHIBIT Z-11:

Section 504 Certification Form

As an authorized official for the respective organization I certify to my organization's acceptance to:

- (1) Comply with all applicable regulations,
- (2) Incur all costs required for compliance with the applicable regulations,
- (3) Be subject to DHCD monitoring for compliance, and
- (4) Accept any applicable penalties for noncompliance.

The undersigned acknowledges that this certification will be relied upon by DHCD in its review and approval of final plans and specifications and any misrepresentations of information or failure to comply with any conditions proposed in this certification could result in penalties, including the disbarment of Applicant for a period of time from participation in DHCD administered programs.

_____	_____	_____
Applicant Signature	Title	Date
_____	_____	_____
Full Name (Print)	Title	Date
_____	_____	_____
Developer Signature	Title	Date

Section 504 Certification Sheet & Accessibility Requirements

Section 504 of the Rehabilitation Act of 1973, as Amended, prohibits discrimination against persons with disabilities in the operation of programs receiving Federal financial assistance. It states, “No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service”.

The U.S. Department of Housing and Urban Development (HUD) regulations, at **24 CFR Part 8**, sets a mandate for the DC Department of Housing and Community Development (DHCD) to monitor projects funded with federal funds for compliance with various federal regulations.

DHCD requires that the accessibility requirements of Section 504 be incorporated into the design and construction of all new construction and/or rehabilitation projects funded under the 2003 Notice of Funding Availability (NOFA) and Request for Proposals (RFPs) regardless of whether or not the project will receive funding assistance.

NEW CONSTRUCTION

In regards to new construction, DHCD requires new developments to have a minimum of 5% of the total dwelling units or at least one unit, whichever is greater, accessible for persons with mobility impairments. An additional 2% of the units must be accessible for persons who have hearing or vision impairments. Accessible units to the maximum extent feasible must be distributed throughout the project. HUD may prescribe a higher percentage of units be accessible based upon the need for accessible units in the geographic area.

SUBSTANTIAL REHABILITATION/ALTERATIONS

The requirements for new construction also apply with substantial rehabilitation, which applies to properties with 15 or more units. ***Substantial rehabilitation occurs when the cost of the alteration is 75% or more of the replacement cost of the completed property.*** Construction and equipment costs do not include the (1) cost of land, (2) demolition, (3) site only improvements, (4) non-dwelling facilities, and (5) administrative costs for project development activities.

Section 504 requires that if any development (regardless of the number of units) is making modifications which go beyond normal maintenance, but which do not fall into the category of substantial alterations (either because of cost or the development has less than 15 units) that alterations to dwelling units...shall to the, maximum extent feasible, be made readily accessible to and usable by individuals with handicaps. If alterations of single elements or spaces of dwelling unit when considered together, amount to an alteration of a dwelling unit, the entire dwelling shall be made accessible.

REHABILITATION/MODIFICATION

Section 504 requires that if any development (regardless of the number of units) is making modifications which can go beyond normal maintenance, but which do not fall into the category of “substantial alterations” (either because of cost or the development has less than 15 units) that alterations to dwelling units...shall, to the maximum extent feasible, be made readily accessible to and usable by individuals with handicaps. If alterations of single elements or spaces of a dwelling unit, when considered together, amount to an alteration of a dwelling unit, the entire dwelling unit shall be made accessible.

TENANT REQUESTS FOR MODIFICATIONS

With tenant requested modifications, when an applicant or tenant requires an accessible feature to accommodate a disability, the owner must provide such feature unless doing so would result in a fundamental alteration in programs and/or an undue financial or administrative burden imposed on the operation of the program or facility.

NOTE: Each applicant must sign a “Section 504 Certification Form” indicating the agreement to comply with the regulations, to be subject to DHCD monitoring for compliance, and to accept any applicable penalties for noncompliance. After reviewing the information in this document please review the Section 504 attachment and fill out the Certification Form below.

DHCD Accessibility Requirements for Subrecipients

The 2003 DHCD Notice of Funding Availability (NOFA) and Request for Proposals (RFP) require that all projects funded under the NOFA meet all Federal and State accessibility standards as well as all accessibility requirements. Because accessibility requirements may differ depending on the funding sources of a particular project as well as the type of construction contemplated for a project, identifying the correct standards can be difficult. The following is an overview of the primary accessibility laws and requirements that are applicable to projects funded under the Plan.

Failure to comply with applicable accessibility, adaptive design and construction requirements of these laws may result in loss of project or program funding. Therefore, you should consult an attorney and/or design professional to ensure that the rehabilitation and/or construction of the multi-family project/development complies with the accessible and adaptive design and construction requirements of each applicable law.

I. District of Columbia Accessibility Requirements

The District of Columbia Municipal Code of Regulations (DCMR) 12A - Building Code, Section 512.0: “Physically Handicapped and Aged” specifies the required minimum of accessible units per number of units in a project being constructed. Each prospective grantee must be thoroughly knowledgeable with these regulations when applying for project funding from DCHD. In particular Section 512.2 (Use Group R-1) reads: Buildings of Use under this section containing more than 10 bedroom units shall be made accessible to physically handicapped persons in accordance with Section. The number of bedroom units accessible to physically handicapped persons shall not be less than (1) one unit per project containing 11 through 20 bedroom units; and one unit plus one for each additional 20 units or fraction of a unit when the project contains 21 and more bedroom units. To determine the total number of accessible units, more than one structure on a building site shall be considered as one building. The entrance doors to all bedroom units and to the toilets in these units shall have a minimum clear width of 32 inches (813 mm). All common use areas, public areas, and areas that may result in the employment of handicapped persons, except those enumerated in §512.1, shall be accessible.

Section 512.3 (Use Group R-2) Buildings under this category containing more than 10 dwelling units shall be made accessible to physically handicapped person in accordance with this section. The number of dwelling units accessible or adaptable to physically handicapped persons shall not be less than twenty-five percent (25%) of the dwelling units. To determine the total number of accessible units, more than one structure on a building site shall be considered as one building. The dwelling units allocated for the physically handicapped shall be proportionately distributed throughout all types of units.

Laundry and storage facilities shall be made accessible from the barrier-free units. Access to additional floors without public facilities is not required.

Section 512.4 – Accessible buildings and facilities: states that buildings and facilities required to be accessible by this section shall comply with ANSI A117.1-1986 as modified by section 512.4.2.

Projects receiving funding through DHCD must also comply with the regulations under Section 512.0 *Physically Handicapped and aged* of the Building Officials & Code Administrators International, Inc. (BOCA) of 1990.

DHCD requires that all projects which receive funding be designed and constructed in a manner so that the units and common areas, facilities and services are readily accessible to and usable by disabled persons. All projects that receive allocations or funding under this NOFA must comply with all applicable Federal and State accessibility laws. When two or more accessibility standards apply, the provider is required to follow and apply both standards so that a maximum accessibility is obtained. In addition, DHCD mandates that the accessibility requirements of Section 504 be incorporated into the design and construction of all new projects funded under the 2003 Notice of Funding Availability (NOFA) and the Request For Proposals (RFP), such as the Housing Production Trust Fund, HOME Investment Partnerships Program (HOME), Community Development Block Grants (CDBG), and Low Income Housing Tax Credits (LIHTC), regardless of whether or not the project will receive federal financing assistance. This means that all projects including those financed **with tax exempt bonds which receive an allocation of 4% tax credits and 9% tax credit only projects**, must incorporate at a minimum, the requirements of the UFAS into the design and construction of the project.

The attached chart, Summary of Accessibility Laws and Standards, can be used to initially determine the appropriate design standards that should be incorporated into a project. Project Architects, Engineers and Contractors should be familiar with the requirements of each standards to ensure that the appropriate requirements are met.

II. Federal Fair Housing Act

A. Applicability. The Fair Housing Act (FHA), Title VIII of the Civil Rights Act of 1968 as Amended, (42 U.S.C. 3601§ 800; 24 CFR) § requires that covered **public and private multifamily dwelling units designed and constructed for first occupancy after March 13, 1991**, be designed and constructed in a manner that the public and common use portions of such dwellings are readily accessible to and usable by disabled persons. First occupancy is defined as a building that has never before been used for any purpose. The Act's construction and design requirements apply on a building by building basis. **Under the 2003 NOFA, all new construction projects applying for 9% or 4% tax credits and/or HOME funds must be build in accordance with the accessibility requirements of the FHA. In addition, rehabilitation projects applying for credits and/or HOME funds must also meet the design and construction standards of the FHA if the first use of the building was after March 13, 1991.** These specific design and

construction standards can be found in the appropriate requirements of the American National Standards Institute (ANSI), Fair Housing Accessibility Guidelines (FHAG) and in HUD's Fair Housing Act Design Manual. If a project is built in compliance with HUD's PHAG requirements, a safe harbor for compliance purposes is created.

B. Requirements (Please see Fair Housing Accessibility Checklist attachment)

NOTE: Fair Housing Act Accessibility Guidelines contain a narrow "Site Impracticability Exception" which provides that first floor units do not have to meet all of the Act's requirements if it is impractical to have an accessible entrance to the building because of the natural hilly terrain or other unusual characteristics of the site. Any project that claims such an exception must submit documentation from the project architect outlining the basis for the site exception. Supporting documentation of the "site impracticability" must also be submitted. DHCD may also request the Owner to provide a legal opinion that the project falls with the requirements of the Site Impracticability Exception. DHCD's acceptance of such documentation should not be construed as conclusive that the project meets the legal requirements of the exception. Each Project Owner should consult their own attorney to make that determination.

III. Section 504 of the Rehabilitation Act of 1973

(A) **Applicability.** Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with disabilities in the operation of programs receiving federal financial assistance. These programs include, but are not limited to HOME, CDBG, and other programs under the jurisdiction of the HUD Office of Multifamily Housing Program. HUD regulations implementing Section 504 contain accessibility requirements for new construction and rehabilitation of housing as well as requirements for ensuring that the programs themselves are operated in a manner that is accessible to and usable by persons with disabilities. Both individual units and the common areas of buildings must be accessible under Section 504. **All projects funded under the 2003 NOFA which provide for the new construction or rehabilitation of multifamily housing projects must be designed and built in accordance with the appropriate accessibility requirements of Section 504 if the projects will receive HOME or other federal funding.** These specific design and construction standards can be found in the Uniform Federal Accessibility Standards (UFAS). A copy of the UFAS is provided in the appendix to this Section.

(B). Specific 504 Requirements.

New Construction — A minimum of 5% or at least one unit (whichever is greater) of the total units in the project must be accessible to individuals with mobility impairments. A minimum of 2% or at least one unit (whichever is greater) of the total units in the project must be accessible to individuals with sensory impairments (hearing or vision).

Substantial Rehabilitation — 11 alterations are undertaken to a project that has 15 or more units and the cost of the alteration is 75% or more of the replacement costs of the completed facility than the accessibility requirements for the projects are the same as for newly constructed projects.

Other Alterations- When other alterations are undertaken, including, but not limited to modernization and rehabilitation which does not meet the Threshold of “substantial” rehab under the act, such alterations are required to be accessible to the maximum extent feasible, up to the point where at least 5% or the units in a project are accessible, If alterations of single elements or spaces of a dwelling unit, when considered together, amount to an alteration of a dwelling unit, then the entire dwelling unit shall be made accessible.

NOTE: Section 504 contains a narrow exception when alterations that do not meet the standard of “substantial rehabilitation” are undertaken. This exception provides that a recipient is not required to make a dwelling unit, common area, facility or element accessible if doing so would impose undue financial and administrative burden on the operation of the project. Therefore recipients are required to provide access for covered alterations up to the point of being infeasible or an undue financial and administrative burden. Any project that claims such an exception must submit documentation from the project architect outlining the basis for the site exception. Supporting documentation regarding the feasibility of the modification must also be submitted. DCA may also request the Owner to provide a legal opinion that the project falls within the requirements of the Exception. DCA’s acceptance of such documentation should not be construed as conclusive that the project meets the legal requirements of the exception. Each Project Owner should consult their own attorney to make that determination.

C. Increasing Program Accessibility

Section 504 regulations also require that a recipient of Federal Funds ensure that its project, when viewed in its entirety, is accessible to persons with disabilities. In order to meet this obligation, Section 504 requires that the Project Owner must:

- To the maximum extent feasible, distribute accessible units through the projects and sites, and make them available in a sufficient range of sizes and amenities so as to not to limit choice.
- Adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities. Reasonable nondiscriminatory steps to maximize use of such units by eligible individuals must also be taken.
- When an accessible unit becomes vacant, before offering the unit to an individual without a disability, offer the unit: first, to a current occupant of the project requiring the accessibility feature; and second, to an eligible qualified applicant on the waiting list requiring the accessibility features.

- When an applicant or tenant requires an accessible feature or policy modification to accommodate a disability, a federally assisted project must provide such feature or policy modification unless doing so would result in a fundamental alteration in the nature of its program or an undue financial and administrative burden.
- Project Owners are required to ensure that information about their project is disseminated in a manner that is accessible to persons with disabilities.
- Include a lease provision that requires a non disabled family occupying an accessible unit to move if a family with a disability needing that size unit applies and there is an appropriately sized nonaccessible unit available for the relocating family.

IV. Visitability

HUD recommends that all design, construction and alterations for multifamily units, incorporate, whenever practical, the concept of visitability in addition to the requirements under Section 504 and the Fair Housing Act. DCA has also adopted the concept of visitability as a recommended practice for all projects that receive funding under the 2003 Qualified Allocation Plan. The concept of visitability is to design units so that persons with disabilities can visit relatives, friends and neighbors. The following are the basic visitability design requirements:

- Provide 32 inch clear openings in all bathroom and interior doorways
- Provide at least one accessible means of egress/ egress for each unit.

V. The American with Disabilities Act

A. Applicability. The American with Disabilities Act guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services and telecommunication. It is divided into five titles. Two of which are primarily applicable to multifamily housing agencies.

Title II. Public Services, which include state and local government instrumentalities, cannot deny people with disabilities from participating in programs or activities which are available to people without disabilities.

Title III. Prohibits disability based discrimination and requires privately owned places of “public accommodation” to be designed, constructed, and altered in compliance with certain accessibility standards.

Under the 2003 Qualified Allocation Plan, the ADA is applicable to all new construction projects that are selected for funding. In Rehabilitation projects, existing facilities must comply to the extent readily achievable.

Please note that generally the requirements of the ADA are not as restrictive as the requirements under section 504. Therefore, if you follow the design criteria set forth in the UFAS, you will satisfy the criteria of the ADA as it pertains to common area and facilities. Projects financed through an allocation of 4% or 9% tax credits, need to closely review the requirements of the ADAAG or UFAS as it pertains to these areas of public accommodation.

B. Basic ADA Requirements

For all DCA new construction projects the following requirements are applicable:

- Public accommodations does not include portions of privately owned rental housing used exclusively as residents, but does not include areas within such facilities that are available to the general public such as rental offices and community rooms for rental by non residents.
- Social Service programs operated by a housing provider that are available to non-residents would be considered public accommodations and must be accessible under Title III.

Design, Construction, or alteration of facilities in conformance with the UFAAS or with the ADA Accessibility Guidelines (ADAAG) shall be deemed to comply with requirements of the Act.

For rehabilitation projects, the following requirements are applicable to those areas covered by the ADA:

- All architectural barriers in existing facilities must be removed where such removal is readily achievable that is easily accomplished and able to be carried out. This would include adding grab bars, ramping a few steps and lowering telephones. If barrier removal is not readily achievable then services must be made available through alternative methods.

NOTE: Any project that claims a required modification is not readily achievable must submit documentation from the project architect outlining the basis for the exception. Supporting documentation regarding the achievability of the modification must also be submitted. DCA may also request the Owner to provide a legal opinion that the project falls with the requirements of the Exception. DCA's acceptance of such documentation should not be construed as conclusive that the project meets the legal requirements of the exception. Each Project Owner should consult their own attorney to make that determination.

VI. Layered Properties

In many projects, multiple sources of funding may mean the projects must meet both the Fair Housing and Section 504 new construction requirements. Where two or more accessibility standards apply, the Project Owner is required to follow and apply both standards so that maximum accessibility is obtained. The US Department of Housing and Urban Development has provided the following examples illustrating how these requirements would apply:

- A project building with an elevator constructed with HOME funding would be required to have 5% of its dwelling units meet the Section 504 accessibility requirements. The remaining 95% of its units would be required to comply with the Fair Housing design and construction requirements.
- A newly constructed 100 unit two story garden apartment development with no elevator construction with HOME assistance with half (50) of its dwelling units on the ground floor and half (50) on the second floor would be required to have 5 of its ground floor dwelling units built to comply with Section 504 accessibility requirements and the remaining 45 ground floor dwellings built to comply with the Fair Housing Act design and construction

standards.

- A development consisting entirely of multistory rental townhouses constructed with Federal financial assistance is not a covered multifamily dwelling for purposes of the design and construction requirements of the Fair Housing Act. It would still have to meet the Section 504 5% accessibility requirements.

VI. Additional Resources

The below referenced links may be used to access different accessibility standards and information:

Fair Housing Accessibility Guidelines (FHAG):

<http://www.hud.gov/fhe/fhefhag.html>

Uniform Federal Accessibility Standards (UFAS):

<http://www.access-board.gov/ufas/ufas-html/ufas.htm>

ADA Accessibility Guidelines for Buildings and Facilities (ADAAG):

<http://www.access-board.gov/adaag/html/adaag.htm>

Disability Guidelines and Legal resource

www.disabilityfirst.com

Disability Legal and Advocacy information

www.bazelon.org

ADA Information Center

adainfo@transcen.org

Disability Rights Council

rights@erols.com

Please note that DHCD does not endorse any of the above sites, but provides them as an additional resource only.

Please consult with your Project Architects, Engineers, Contractors and Attorneys to determine how the requirements of each standard will be met.

EXHIBIT Z-12: LEAD-SAFE HOUSING ADDENDUM

DHCD/DFD Multi-Family Rehabilitation Projects

I. Introduction

This Addendum is intended to be an integrated summary of Federal and District requirements for the implementation of lead hazard reduction. DHCD is responsible for the enforcement of the HUD Lead-Safe Housing Rule, 24 CFR Part 35, "Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance" - <http://www.hud.gov/offices/lead/leadsaferule/index.cfm>. The Borrower of DHCD funds is responsible for the implementation of the lead-safe housing requirements defined below.

The Addendum is structured in two parts: Requested Information – to be provided as a part of responding to this RFP; and Requirements – to identify the requirements that the potential Borrower will be responsible for if the proposal is selected for underwriting.

REQUESTED INFORMATION

1. How old is the property? _____
2. Is there a known presence of Lead-Based Paint (LBP)? Y/N____
3. If the presence of lead is known, has it been disclosed to the tenants if the property was occupied at the time the presence of lead was determined? Y/N____
4. If disclosure has taken place, provide a copy of evidence of disclosure.
5. How was the presence of LBP determined? _____

3. What documentation exists that identifies the presence of LBP (e.g., Phase 1 environmental, lead survey, lead inspection, etc.) _____

4. Has a risk assessment been performed? Y/N____
If yes, please provide a copy with proposal.
5. Are LBP hazards present (peeling, chipped or cracked LBP)? Y/N____
6. Is the building occupied? Y/N____
7. Are there children under 6 residing at the property? Y/N____
8. Has there been previous testing of children residing at the property? Y/N____

REQUIREMENTS

The requirements presented below are based on (HUD) 24 CFR 35, Subpart J - Rehabilitation. Where there is an additional or greater requirement of the District, it will be so stated. Borrowers need to be very familiar with both Federal and District lead laws and regulations.

II. *Requirements Summary*

The goal of the requirements is to be lead-safe, not lead-free. The most important requirements are summarized below. A summary of the HUD 24 CFR 35, Subpart J – Rehabilitation – is presented in Attachment (1). DHCD requirements are the same as 24 CFR 35 except as noted.

1. HUD requirements are tied to levels of assistance. The HUD 24 CFR 35 establishes different lead-based paint (LBP) requirements for rehabilitation, depending on the level of Federal assistance to the project. The thresholds are up to \$5,000 per unit; \$5,001 to \$25,000 per unit; and greater than \$25,000 per unit. This is amplified in Attachment (1). These thresholds are for hard costs, and do not apply to soft or lead hazard reduction costs. **[Requirements for locally¹ funded projects are the same as for the Federal funding level of \$5,000-\$25,000. These requirements focus on interim controls to treat LBP hazards].** Attachment (1) provides a general comparison between HUD and DHCD requirements.
2. Disclosure. Requirements of the Disclosure Rule have been in effect since 1996 - <http://www.hud.gov/offices/lead/disclosurerule/index.cfm> . This requires that landlords and/or property managers disclose any known lead-based paint and lead-based paint hazards when renting a unit. A sample disclosure form is contained in **Appendix B**. As part of disclosure, the tenants must be given a copy of the pamphlet “Protect Your Family from Lead in Your Home” - <http://www.hud.gov/offices/lead/>. Tenants are also to receive a copy of the pamphlet at the beginning of any rehab job, unless the pamphlet has previously been provided to the tenants.
3. A Risk Assessment, performed by a certified risk assessor, is required for all Multi-Family Rehab projects. It is due prior to the Final Application. Paint testing - to determine the presence of LBP in all surfaces to be disturbed - is required as part of the Risk Assessment. A presumption of lead will not be accepted. (Phase 1 environmental testing and hazmat surveys are not acceptable, as they do not meet the requirements of 24 CFR 35). Risk assessments will identify LBP hazards and include options to treat the hazards.
4. Notification. There are several required notices to be provided to tenants:
 - a. A Notice of Evaluation describing the nature, scope and results of the Risk Assessment;
 - b. A Notice of Hazard Reduction Activities must be provided to the tenants to inform them of the nature, scope and results (including clearance) of the completed lead hazard reduction scope of work; and
 - c. Notices for on-going maintenance as may be required by 24 CFR 35.

¹ Locally funded: not assisted with Federal housing funds (HUD, EPA, Agriculture).

Attachment (1): Summary of the HUD 24 CFR 35, Subpart J – Rehabilitation

5. Testing of children. Upon receipt of the Risk Assessment, the D.C. Department of Health (DOH) will request the testing of all children under six (6). Units with children who may test for certain elevated blood levels (EBLs) will be inspected by DOH. If the unit is determined to be the cause of the child's EBLs, the owner will be issued a Notice of Violation. DHCD will not commit to funding a project (execute a Letter of Commitment) until the owner agrees to cure the violation.
6. Temporary safe housing for tenants is typically required during the lead hazard reduction activity for occupant protection - with some exceptions. See Section VI.
7.
 - a. "Certified workers, certified supervisors, and certified business entities" are required for all work that is designed to permanently eliminate LBP hazards², and for projects receiving over \$25,000 in federal assistance per unit.
 - b. "Trained workers" are required for all other work impacting an LBP surface (all work that is not designed³ to permanently eliminate LBP hazards) in any project that is:
 1. Receiving up to \$25,000 of federal assistance per unit; or
 2. Locally funded by DHCD regardless of amount.
8. Safe work practices as specified in 24 CFR 35 must be used by contractors/workers whenever they will disturb a surface with LBP.
9. Units must pass clearance testing before reoccupancy. DHCD requires that the clearance report submitted to DOH for verification, and that a Certificate of Lead-Based Paint Compliance be obtained.
10. Ongoing LBP maintenance (corrective measures to treat LBP hazards, using trained workers and required documentation) and reevaluation are required for HOME-funded rental projects. For locally funded projects, and projects funded with CDBG, DHCD requires the same ongoing maintenance as 24 CFR 35 where there is a defined affordability period. DHCD requires a visual assessment for deteriorated paint and the failure of hazard reduction measures at unit turnover and every 12 months over the affordability period. All deteriorated lead-based paint must be stabilized, and failed hazard reduction methods corrected with interim controls, or permanent controls if originally required. Trained or certified workers must use safe work practices and the unit(s) must pass clearance. DHCD does not require re-evaluation for these programs.

Maintenance records per 24 CFR 35 must be retained by the landlord for all properties containing LBP.
11. Homeownership. For condominiums and cooperatives, **all** units will be paint tested, risk assessed, and cleared.

III. Exemptions

The following are exempt from this Requirements Exhibit; see 24 CFR 35 for a complete list of exempt properties:

² Work designed to permanently eliminate LBP hazards: All permanent control work items (removal, replacement, encapsulation or enclosure) resulting from changes or additions to the rehab scope of work, based on an agreement on the implementation of the risk assessment by the developer and the risk assessor. The agreement is to be founded on reasonable accommodation by both the developer and the risk assessor/project designer, and will be reviewed by DHCD.

³ Exemption: DHCD will sign off on the DOH required exemption with the developer for work that is not designed to permanently eliminate LBP hazards.

1. Housing built after January 1, 1978
2. Housing for the elderly or persons with disabilities unless a child under six resides, is expected to reside, or regularly visits
3. Any zero bedroom unit, such as an efficiency or a single-room occupancy unit
4. Lead-free properties

IV. Conditions Precedent to Closing

The following documentation, presented below, will be completed and submitted to the DHCD Project Manager as conditions precedent to closing that will be required in the Letter of Commitment. **The first two are due with the Preliminary Application if the presence of lead is known, and the property is occupied.** Items 3, 4 and 5 are due with the Final Application after selection for underwriting. Items 6 and 7 are due prior to closing.

1. Disclosure: Evidence that disclosure has been made to residents if the building is occupied and LBP is present.
2. Evidence that the owner/manager has provided tenants a copy of the pamphlet “Protect Your Family from Lead in Your Home”.
3. Risk Assessment
4. Notice of Lead Hazard Evaluation (risk assessment) provided to tenants following the risk assessment – if the building is occupied.
5. “Selected Lead Hazard Reduction Options for Project Scope of Work”
6. **Occupant Protection Plan.**
7. **Temporary Safe Housing Plan, and notice(s) required to date.**

V. Occupant Protection and Temporary Safe Housing

Safe work practices [24 CFR 35 (Subpart R, §35.1350)] require occupant protection (§35.1345). This means that occupants and their belongings must be protected from lead contamination during rehabilitation. The most effective way to protect occupants is by temporarily relocating them while the work is underway.

An Occupant Protection Plan (ref. 24 CFR 35.1325 and EPA 40 CFR 745) is required:

1. **Projects with Federal funding greater than \$25,000 per unit; and**
2. **All District funded projects. The Plan will identify work-site protection measures and management procedures, including protection of household belongings. The Plan must identify procedures to allow tenants access to their belongings – through “reasonable accommodation” – during the period of temporary safe housing. The Plan must be submitted to the DHCD Project Manager for approval.**

Temporary relocation is not required if the Borrower can meet the five calendar day exception criteria⁴ (ten days for District funded projects for householders without children under six) for completion of lead hazard reduction in a given unit with end of workday cleanup. Also, the elderly will have an exemption as defined in 24 CFR 35.

⁴ 24 CFR 35.1345(a)(2)(iv).

The Borrower may look for ways to temporarily relocate families from one unit to another while work is underway. Temporary relocation as part of normal, planned rehab phasing may obviate the need for any relocation for lead purposes only.

If families must temporarily move out of the building, the following apply:

- **Referrals. Families must be referred to lead-safe units for federally funded projects. This may mean hotels or motels built in 1978 or later, if other lead-safe units are not available.** For locally funded projects, lead-safe referrals are not required for households with children six (6) or older. However, a visual assessment shall be performed (a risk assessment is not required), interim controls applied if needed, and cleaning and clearance testing completed if hazard reduction work is to be done and/or a child under six is part of the move.
- **Requirements** of Chapter 2-4 (Appendix B) of the HUD Relocation Handbook 1378⁵ shall apply to all temporary moves, including notices.
- **Stipend. The Borrower will pay a stipend to households that are temporarily relocated to cover out of pocket costs associated with the move, including moving expenses and increased housing expenses (including rent differential for the duration of the temporary move).**
- **Tenants' belongings must be protected as long as the belongings remain in the unit from which the tenants are temporarily relocated.**
- A **Temporary Safe Housing Plan** is required regardless of whether it is Federally or locally funded. The content of the plan will include the following:
 1. **Number of units occupied and names of heads of household.**
 2. **Number of units with children under six, and a list of the children's names.**
 3. **Procedures to address the requirements of Appendix B.**
 4. **Schedule, including length of temporary move and phasing of lead-related work.**
 5. **Cost Estimates**

⁵ HUD Handbook 1378: Tenant Assistance Relocation and Real Property Acquisition